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98-05162-R

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**  
SEP 27 2000

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

IN RE: )  
COMMERCIAL FINANCIAL SERVICES, )  
INC., and CF/SPC NGU, INC., )  
 )  
Debtor, )  
 )  
WILLIAM KUNTZ, III, )  
 )  
Appellant )  
 )  
 )  
vs. )  
 )  
COMMERCIAL FINANCIAL SERVICES, )  
INC., and CF/SPC NGU, INC., )  
 )  
Appellees. )

**FILED**  
SEP 29 2000 *TV*  
TIMOTHY R. WALBRIDGE, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF OKLAHOMA

No. 99-CV-927-B /

**ORDER**

Comes on for consideration Report and Recommendation of the United States Magistrate Judge McCarthy filed May 25, 2000 (Docket #8) in which the Magistrate Judge recommends that the above styled case be dismissed for failure to comply with the Court's Orders of April 24, 2000 and May 8, 2000. Additionally, Appellant failed to file a response or objection to the Report and Recommendation of the United States Magistrate Judge within ten (10) days as required by Fed. R. Civ. Pro. 72 (b).

The Court has reviewed the record in this action de novo and finds the Report and Recommendation of the United States Magistrate Judge should be affirmed in its entirety. The

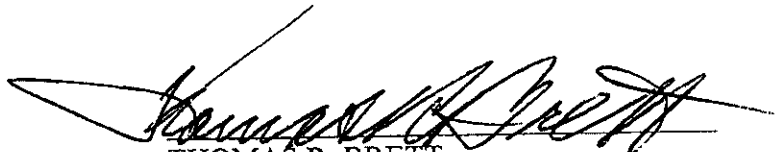
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Court finds Appellant failed to respond to the Court's Order of April 24, 2000 referenced above by the required date of May 5, 2000. However, on April 24, Appellant filed a motion for extension of time which was addressed by Order of May 8, 2000. Appellant was granted an extension of time until May 16, 2000. This date also passed without any filing by Appellant. Appellant has therefore wholly failed to comply with two orders of this Court requiring Appellant to address the reasons for his failure to pay a filing fee on or before September 13, 1999, as required by the bankruptcy court and his failure to file designation of record in accordance with Fed. R. Bankr. P. 8006. Appellant also failed to timely file objection to the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the above styled case is dismissed due to Appellant's failure to designate the record on appeal pursuant to Fed. R. Bankr. P. 8006, failure to pay the required filing fee as ordered by the bankruptcy court, failure to comply with the Orders of this Court, failure to timely prosecute this appeal and failure to timely file objections to the Report and Recommendation of the United States Magistrate Judge.

DONE THIS <sup>th</sup>27 OF SEPTEMBER, 2000.

  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE